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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,873	02/10/2004	Alfred F. Bergeron	07703-356002	1158

26211 7590 03/21/2007
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EXAMINER

BEAUCHAINE, MARK J

ART UNIT	PAPER NUMBER
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3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/775,873

Applicant(s)

BERGERON ET AL.

Examiner

Mark J. Beauchaine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Patent Number 5,158,275 by Sellers et al ("Sellers"). The stacker mechanism disclosed by sellers comprises stacker plate 166 and a drive means coupled to said stacker plate which includes non-circular drive gears 146 and 152 (see Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,372,361 by Isobe et al ("Isobe") in view of Patent Number 5,695,173 by Ochoa et al ("Ochoa"). The stacker mechanism disclosed by Isobe comprises vertically-movable horizontal banknote stacker plate 32, first scissor arm 33 pivotally connected at a first end 33a about a fixed point on the stacker plate, second

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scissor arm 33' slidably connected at a first point 33d to the stacker plate and pivotally connected to the first scissor arm about scissor pivot point 34 (see Figure 4). Said second scissor arm is pivotally connected at a second end about fixed point 33c on frame 31. Isobe further discloses link arm 35 for driving said stacker plate and being connected to said first scissor arm at pivot point 36a (see Figures 4 and 6 and column 5, lines 53-61). Still further, said first scissor arm comprises a second end 33b that is slidably connected to said frame.

Isobe fails to disclose said link arm being connected at a pivot point located between the scissor pivot point and said second slidably connected end of said second arm. Ochoa teaches scissor arm configuration for positioning vertically-movable plate 11 (see Figures 1 and 2). Said scissor arm configuration comprises link arm 14 for driving said plate and being connected to first scissor arm 16 at pivot point 20 located between a scissor pivot point and a slidably connected end of the first scissor arm 21 for the purpose of adjusting the vertical position of the plate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the link arm configuration of Ochoa into the mechanism of Isobe for the purpose of vertically adjusting the stacker plate.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isobe in view of Ochoa as applied to claim 49 above, and further in view of Sellers. Isobe/Ochoa fails to disclose a drive means having non-circular gears. Sellers teaches a stacker mechanism drive means having non-circular drive gears 146 and 152 (see Figure 1) for

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the purpose of vertically adjusting stacking plate 166. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the non-circular drive gears of Sellers into the mechanism of Isobe/Ochoa for the purpose of vertically adjusting the stacker plate.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isobe in view of Ochoa in view of Sellers. The stacker mechanism disclosed by Isobe comprises vertically-movable horizontal banknote stacker plate 32, first scissor arm 33 pivotally connected at a first end 33a about a fixed point on the stacker plate, second scissor arm 33' slidably connected at a first point 33d to the stacker plate and pivotally connected to the first scissor arm about scissor pivot point 34 (see Figure 4). Said second scissor arm is pivotally connected at a second end about fixed point 33c on frame 31. Isobe further discloses link arm 35 for driving said stacker plate and being connected to said first scissor arm at pivot point 36a (see Figures 4 and 6 and column 5, lines 53-61). Still further, said first scissor arm comprises a second end 33b that is slidably connected to said frame.

Isobe fails to disclose said link arm being connected at a pivot point located between the scissor pivot point and said second slidably connected end of said second arm. Ochoa teaches scissor arm configuration for positioning vertically-movable plate 11 (see Figures 1 and 2). Said scissor arm configuration comprises link arm 14 for driving said plate and being connected to first scissor arm 16 at pivot point 20 located between a scissor pivot point and a slidably connected end of the first scissor arm 21 for

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the purpose of adjusting the vertical position of the plate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the link arm configuration of Ochoa into the mechanism of Isobe for the purpose of vertically adjusting the stacker plate.

Isobe fails to disclose a drive means having non-circular gears. Sellers teaches a stacker mechanism drive means having non-circular drive gears 146 and 152 (see Figure 1) for the purpose of vertically adjusting stacking plate 166. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the non-circular drive gears of Sellers into the mechanism of Isobe for the purpose of vertically adjusting the stacker plate.

Response to Arguments

Applicant's arguments with respect to claims 48-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb



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